

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent

Docket No.
FUT5024.04A

In Re Application Of: **GREGORY J. PETERSON; GARY FLINT**

Serial No.
09/754,240

Filing Date
01/03/2001

Examiner
JOHNSON, JERRY D.

Group Art Unit
1764

Invention: **ARTIFICIAL FIRELOGS AND FIRESTARTER CHIPS AND METHOD AND APPARATUS FOR
MANUFACTURE THEREOF**

Owner of Record: **GREGORY J. PETERSON; GARY M. FLINT**

TO THE COMMISSIONER FOR PATENTS.

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,251,147 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false information and belief are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.


Dated: 6/10/2003

Signature

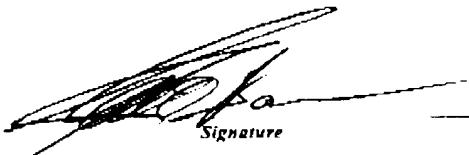
John P. O'Banion, Reg. No. 33,201

Typed or Printed Name

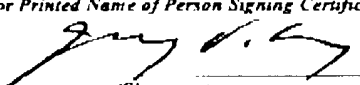
- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): GREGORY J. PETERSON; GARY M. FLINT			FUT5024.04A
Serial No. 09/754,240	Filing Date 01/03/2001	Examiner JOHNSON, JERRY D.	Group Art Unit 1764
Invention: ARTIFICIAL FIRELOGS AND FIRESTARTER CHIPS AND METHOD AND APPARATUS FOR MANUFACTURE THEREOF			
<p>I hereby certify that this <u>Terminal Disclaimer to Obviate a Double Patenting Rejection (Page 1)</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9310</u>)</p> <p>on <u>06/10/03</u> (Date)</p> <p><u>Jerry V. Kling</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u></u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>			

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TRANSMITTAL LETTER (General - Patent Pending)			Docket No. FUT5024.04A			
In Re Application Of: GREGORY J. PETERSON; GARY M. FLINT						
Serial No. 09/754,240	Filing Date 01/03/2001	Examiner JOHNSON, JERRY D.	Group Art Unit 1764			
Title: ARTIFICIAL FIRELOGS AND FIRESTARTER CHIPS AND METHOD AND APPARATUS FOR MANUFACTURE THEREOF						
<p style="text-align: center;"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p>TERMINAL DISCLAIMER</p> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.</p> <p><input checked="" type="checkbox"/> Charge the amount of \$55.00</p> <p><input type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p> Signature</p> <p>Dated: 6/10/2003</p> <p>John P. O'Banion, Reg. No. 33,201 O'BANION & RITCHEY LLP 400 Capitol Mall, Suite 1550 Sacramento, CA 95814 (916) 498-1010</p> <table border="1"><tr><td>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</td></tr><tr><td>Signature of Person Mailing Correspondence</td></tr><tr><td>Typed or Printed Name of Person Mailing Correspondence</td></tr></table> <p>CC:</p>				I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	Signature of Person Mailing Correspondence	Typed or Printed Name of Person Mailing Correspondence
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P16A/REV01

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): GREGORY J. PETERSON; GARY M. FLINT			FU15024.04A
Serial No. 09/754,240	Filing Date 01/03/2001	Examiner JOHNSON, JERRY D.	Group Art Unit 1764
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P18-REV01